IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14097 of 2004

Between:

1.M. LakshmanRao, S/o. Hanumantha Rao,
Sircilla, Karimnagar District.
2.B. Malla Reddy, S/o Raja Reddy,
Sircilla, Karimnagar District.

..... PETITIONERS

AND

1.The State of A.P., rep by its Principle Secretary, Dept. of Home,
Secretariat, Hyderabad.
2.The Divisional Superintendent of Police, Sircilla Division,

Sircilla,Karimnagar District.
3.The Station House Officer, P.S., Sircilla, Karimnagar District.
4.Gajjala Devaiah, S/o.Durgaiah,
R/o. Dasaram (V), Illantakunta Mandal, Sircilla.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue or direction more particularly one in nature of Writ of Mandamus declaring the complaint in FIR No. 190/2004 on the file of P.S. Sircilla, as illegal and arbitrary and against the principles of natural justice and consequently set aside and quash the same.

Counsel for the Petitioner: MR.P.GIRI KRISHNA

Counsel for the Respondent No.1 to 3: GP FOR HOME

The Court made the following:

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ORDER:

Heard both sides. At their request, the main Writ Petition itself is taken up for disposal.

Out of the two petitioners herein, first petitioner is the Principal, whereas the 2nd petitioner is the Senior Assistant in Government Junior College for Boys, Sircilla, filed the present Writ Petition, *inter-alia* seeking to assail the complaint in FIR No.190 of 2004 on the file of Sircilla PS, as illegal and arbitrary.

The case of the petitioners is that the 4th respondent herein has entered into the chambers of the 1st petitioner and there has been some altercation and thereupon, 4th respondent filed the present complaint against the petitioners, though he himself responsible for various acts done by him, therefore, the very provision of SC & ST (POA) Act has no application. Further no abuse in the caste name of the student was reported in the complaint. Though the 4th respondent has given the names of the students stating that they have witnessed the incident, but in fact, the said students have made representations to the Revenue Divisional Officer and also to the 2nd respondent herein stating that the incident was not taken place and the complaint was a false one. In spite of the representations by the students and Attenders who belong to SC, the police are trying to arrest the petitioners under the guise of the FIR and hence, the Writ Petitioners filed the present Writ Petition.

The respondents 2 and 3,filed counter-affidavit contending that on the complaint of 4th respondent, a case in Cr.No.190 of 2004 was registered and it is

under investigation and so far no steps have been taken for the arrest of the petitioners and the matter is under investigation.

Having regard to the submissions and also perusal of the material on record, the petitioners apprehending their arrest on the complaint filed by the 4th respondent in FIR No.190 of 2004. Admittedly, the petitioners are the responsible Officers associated with the Institution and 4th respondent is a student. The allegations and counter-allegations said to be made against each other is the matter for enquiry in the said complaint.

Be that as it may be, having regard to the facts and circumstances, the petitioners are the responsible officers in the college and they are apprehending arrest consequent upon the complaint of 4th respondent, and as the matter is under investigation, I deem it appropriate to direct the respondents to complete the investigation and take steps in accordance with Law.

In the circumstances, the Writ Petition is disposed of, directing the respondents herein to proceed with the investigation and take action in accordance with Law. However, till then, no arrest need be made against both the Writ Petitioners. No costs.

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(B.PRAKASH RAO, J)

20th AUGUST, 2004

By wire at parties cost.

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BSS/SKMR

To

1.The Principal Secretary, The State of A.P., Dept. of Home,
Secretariat, Hyderabad.
2.The Divisional Superintendent of Police, Sircilla Division,

Sircilla,Karimnagar District.
3.The Station House Officer, P.S., Sircilla, Karimnagar District.
4. 2 CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT)

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